

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re: : Case No.: 23-22322-GLT  
: : Chapter: 13  
Ryan Michael Francis :  
Jennifer Marie Francis :  
: Date: 5/14/2025  
*Debtor(s).* : Time: 10:30

**PROCEEDING MEMO**

**MATTER:** #76 - Application to Employ Thomas Plaitano as Attorney , in  
addition to Motion to Approve Settlement  
#86 - Supplement / Addendum to Motion to  
Approve Nunc Pro Tunc

**APPEARANCES:**

Debtor: Richard W. Schimizzi  
Trustee: Kate DeSimone

[10:28 ]

**NOTES:**

Schimizzi: The Debtor suffered a work-related injury after the case was filed. I was not aware he was on worker's compensation at that time. Eventually, we learned about the injury. When the Debtor contacted me, he had already retained counsel and reached a settlement that needed bankruptcy court approval. Absent this settlement, this case would be defaulted. The Debtor receives \$1,363 bi-weekly resulting in \$2,963 a month. The Debtor-wife is on work leave without pay. She may return to work by June 1, 2025. If the settlement is approved, the Debtor has stipulated to remit \$5,000 to go towards the payment of unsecured creditors (\$2,500 from special counsel and \$2,500 from the Debtor). Additionally, these funds will help bring the plan current. The settlement is in the amount of \$47,400. The Debtors' bi-weekly benefits are being deducted from the settlement. If the exemption amount is allowed, the plan can be brought current. I did look through the standard administrative order, I don't know if there is reference to retaining counsel in chapter 13 cases such as this.

DeSimone: The law is clear here and that is why the chapter 13 trustee filed her response.

**OUTCOME:**

1. The *Motion to Approve Nunc Pro Tunc Counsel for Debtor Ryan Michael Francis and Approve Compromise and Release Agreement* [Dkt. No. 76] is **APPROVED** in part and **DENIED** in part. The application for employment of counsel is approved as of the date it was filed, April 16, 2025. Disbursement to counsel and on account of the Debtors' exemptions are **DENIED** without prejudice, pending a resolution of outstanding issues. [D.B.to enter modified order]

2. The *Chapter 13 Trustee's Objection to Debtors' Amended Exemptions* [Dkt. No. 93] is **CONTINUED** to a hearing on July 2, 2025 at 10:30 a.m. [Text order]

3. On or before June 27, 2025, the Debtor shall file amended Schedules I and J. [Text order]

4. To the extent that Mr. Plaitano requests a distribution of attorney's fees from the settlement, he shall submit to the chapter 13 trustee an itemization of fees and costs incurred on or after April 16, 2025. [Text order]

**DATED:** 5/14/2025